

LAW OFFICES OF VATCHE CHORBAJIAN

ATTORNEYS AT LAW

655 North Central Avenue
17th Floor
Glendale, CA 91203
phone 818.409.6700 fax 858.923.2124

VATCHE CHORBAJIAN

12707 High Bluff Dr, Ste 100
San Diego, CA 92130
phone 858.259.5577 fax 858.923.2124

WWW.VCLEGAL.COM
vatche@vclegal.com

Revised General Plan Amendment Report (GPAR)

PAA 05-017 GPA 06-003 BC 05-0104 R06-006 ER06-08-024

APN # 268-130-43 APN # 268-130-42

I. Introduction

A. Proposal

The main property in question is physically located at 5853 Linea Del Cielo in Rancho Santa Fe. This lot currently is a parcel consisting of 2.59 acres, which has a Land Use Designation of Estate 17 and is zoned RR.5 (Rural Residential-minimum 2 acres). Because of terrain elevation differential over the parcel, imposing all of the current setback restrictions and fire department regulations make the parcel unable to be developed with a new residence. There existed a home on the property, which was approximately 2,700 square feet, that was built in the early 1970s, but has since been torn down and is no longer habitable.

The property was purchased about 3 ½ years ago from its original owner and an effort was made at developing the parcel by the new owner, Zagara California Investments, LLC (“Zagara”). When it became impossible to create a new home on the property, Zagara approached the adjacent property owner (APN # 268-130-42) with the idea that each owner would trade a small portion of their land holding, which would change the configuration of the Zagara parcel to make development possible. The adjacent property owner is the Rancho Santa Fe Foundation (“Foundation”), a not-for-profit trustee who was deeded this 20.25 acre parcel in the early 1980s, with the understanding that it would remain open-space and remain undeveloped in-perpetuity. This property is also known as the “Ewing Preserve”, which has a General Plan Land Use Designation of (24) Impact Sensitive and a current zoning classification of S-80 (Open Space- 8 acre minimum lot size).

At this time, I am able to obtain approval from the Rancho Santa Fe Association (“Association”) for a Boundary Adjustment between the two properties. This Boundary Adjustment provided that

Zagara grant to the Foundation approximately 32,000 square feet of the most easterly portion of his property in exchange for approximately 31,000 square feet of the Foundation's parcel immediately to the west of the current Zagara parcel. This entire area is known as the "Project Site". The Boundary Adjustment application approved by the Association in early June of 2005 was subject to the approval of the same Boundary Adjustment by the County of San Diego.

In early July, 2005 the Boundary Adjustment application #BC 05-0104 was rejected by the County, because the two parcels involved with the adjustment did not have similar General Plan Land Use Designations or zoning classifications. After much effort on the part of the Department of Planning and Land Use at the County, it was decided that the only way to affect the subject Boundary Adjustment was to submit for a General Plan Amendment with a concurrent Rezone Application. In late August, 2005 Romar Investments, LLC ("Romar") acquired the property from Zagara, and the Plan Amendment Authorization Request documents were submitted in mid-November, 2005. On January 4, 2006, Romar received an authorization for processing a General Plan Amendment and Rezone of the property. In 2007, Romar elected to revert and deed the property back to Zagara.

B. Physical Setting

The Zagara parcel is accessed via an 845 foot driveway heading south off of Linea Del Cielo approximately ¼ of a mile west of the center of downtown Rancho Santa Fe. Even though the parcel is currently 2.59 acres, all but about 10, 000 square feet of the westerly portion of the property is undevelopable due to differential terrain elevations. As the slope analysis drawing clearly indicates, much of the parcel has slope gradations of greater than 15%. The Zagara parcel is bounded by the Foundation's property to the northwest, west and south. A part of the Foundation property directly adjacent to the northwest portion of the Zagara parcel is flat and would allow for the buildable pad area to be increased. The existing eastern 32,000 square feet of the Zagara property would be given to the Foundation, extending the Ewing Preserve area to the north and increasing the total preserve by approximately 1,000 square feet.

C. Merits of Proposal

The former house on the property, which is currently uninhabitable, was about 2,700 square feet and included a small carport which encroached onto the Foundation parcel approximately 7 feet. This house could not be recreated due to the various changes to the building setback requirements and stipulations of the Rancho Santa Fe Fire District. Because the "Covenant" of Rancho Santa Fe is designated in a "Very High Fire Hazard" area, the Fire District requires a minimum of 15 feet from any single storey structure and 30 feet from any two story structure from the "top of slope". Additionally they require a 72 foot diameter (or a 60 foot diameter with hammerhead) "turn around" for their fire trucks and access around the structure for a maximum hose pull.

Superimposing the Fire District requirements along with the front, side and rear yard setbacks for the County eliminate the majority of the existing buildable area on the present site (see Merits Figure attached hereto). There would be a total gross buildable pad area (single storey structures

only) of approximately 4,725 square feet which is substantially less than the original house pad, which accommodated the 2,200 square foot house. If a two storey structure needed to be built that total gross buildable pad area is reduced down to approximately 3,125 square feet. By adding the 31,000 square feet of the Foundation parcel to the west end of the Zagara parcel, the flat, buildable area is substantially increased, which can accommodate the above mentioned setbacks and still provide a decent buildable pad area.

II. Plan Issues

There are two existing land use designations, a different one for each of the two parcels within the Project Site; however, both are under the same Regional Category, which is **EDA** (Estate Development Area). The Foundation property (Ewing Preserve APN # 268-130-42) currently has a Land Use Designation of **24- Impact Sensitive**, and the Zagara property (APN # 268-130-43) has a designation of **17-Estate Residential**. With the completion of the General Plan Amendment and concurrent Rezone, approximately 31,000 square feet of the Foundation property will change to the new Land Use Designation of 17-Estate Residential, which will facilitate a Boundary Adjustment between the Foundation and Zagara properties. As an accommodation to the Foundation for this land, Zagara will provide approximately 32,000 square feet of the easterly portion of its property to be merged into the existing Ewing Preserve. Similarly, this new addition to the Preserve will be changed to a new Land Use Designation of 24- Impact Sensitive and remain “open space”.

This “trade” of land within the Project Site, via a Boundary Adjustment, by both parties, once the Land Use Designation has been changed on the affected land area to be merged with the Zagara parcel, benefits both parties greatly. In doing so, the Zagara property becomes useable for the development of a new residential structure, which will comply with all of the setback requirements of the County, Association and the Fire Department. Similarly, the Foundation is benefited because their land increases in size, thus making the current open space (Ewing Preserve) larger and more visible on its eastern border.

San Dieguito Community Plan Conformance

The redesignation of the parcels within the Project Site is consistent with the San Dieguito Community Plan (“Plan”) for all of the following reasons:

1. The Plan proposes to “perpetuate the present state of spaciousness and rural living”. We believe that this Amendment and Rezone do just that, because the existing pad will be developed with a new single-family home (one previously existed), and in doing so the “open space” created by the Foundation’s Ewing Preserve get larger.
2. The Plan proposes to “ensure that all amenities, such as quality education programs, parks and recreation programs” are available. The approval of this Amendment will not endanger any of the existing programs which currently exist within Rancho Santa Fe.
3. The Plan also promotes and ensures the “utilization and enhancement of open spaces” and encourages the “preservation of natural features”. Our Amendment and Rezone exemplifies these criteria by taking much less sensitive land which has previously been disturbed by development and trades it for untouched lands which will be forever “open space”.

4. The Plan promotes “home ownership”, “high standards of design, materials and workmanship”, all of which will be satisfied with the completion of this Amendment and Rezone. Further, the Project Site development does not alter any infrastructure or utilities that currently exist, except to add a new water line at the behest of the Fire District.

5. The Plan suggests “design must be reasonably appropriate to its site, and harmonize with its surroundings”. These are the characteristics which drive the whole reason for the Amendment and Rezone, since a newly developed home on the site can not be accommodated with the present configuration of the Romar parcel.

The San Dieguito Community Planning Group has taken this project under advisement on two separate occasions; namely December 8, 2005 and again on May 11, 2006. In both instances they voted unanimously to approve this Project.

Project Conformance with General Plan (“GP”) Elements

Open Space: The total area in consideration is 32,000 square feet owned by Zagara which is being exchanged for 31,000 square feet of property owned by the Rancho Santa Fe Foundation. As previously described, the smaller portion has been previously disturbed with development and again will become a part of a new single-family residence re-development. The larger of the pieces will be given to the Foundation to become an addition to their existing “Ewing Preserve”, which is open space. This portion of property to be added to the Preserve has never been disturbed with any type of development. Since the GP encourages the use of open space, especially for the preservation and conservation of wildlife and plant habitats, this Project exemplifies those aspects of development.

Regional Land Use: The proposed project consists of two parcels. The primary parcel is 2.59 acres and has a General Plan Land Use Designation of (17) Estate Residential and is zoned RR.5 (Rural Residential-minimum lot size of 2 acres). The second parcel is owned by the Rancho Santa Fe Foundation and is known as the “Ewing Preserve”, which has a General Plan Land Use Designation of (24), Impact Sensitive, and a zoning classification of S-80 (Open Space-minimum lot size of 8 acres). The proposed project is a boundary adjustment for the rebuilding of a single-family residence and guest house on the property zoned RR.5. Due to the location of the foundation from the former structure, a boundary adjustment is required to meet the required setbacks for the structures and in exchange for the added 31,000 square feet for the residential parcel, the applicant will adjust the easterly boundary to include 32,000 square feet of native vegetation to the Rancho Santa Fe Association. However, due to the different General Plan Land Use Designation and associated zoning, a General Plan Amendment and Rezone is required to complete the Boundary Adjustment and assure that the adjusted lots meet the General Plan and Zoning requirements.

The proposed General Plan Amendment and Rezone would be consistent with the existing land use designation as it would maintain the minimum lot size required for the two parcels and would allow for the residential structures on land designated for

residential development, while increasing the preservation of the designated “Impact Sensitive” lands of the Ewing Preserve.

The Proposed General Plan Amendment would also “retain the rural character of non-urban lands” by increasing the size of the Ewing Preserve and would increase the size of a “significant open space corridor”.

Circulation: Since there is no modification to any existing infrastructure with the approval of this Amendment and Rezone, no GP goals, objectives or policies were identified which relate to this Project.

Recreation: Since this Amendment and Rezone will allow for the re-development of a new single-family residence replacing an uninhabited existing structure, the future resident(s) of the new home will benefit from any and all of the existing recreational opportunities available in the greater San Dieguito area. The portion of land to be added to the Ewing Preserve is also adjacent and includes a small piece of the equestrian trail system throughout Rancho Santa Fe.

Seismic Safety: All of the specifications utilized for the design and construction of the new residence to be built on the Zagara parcel after the completion of the Amendment, Rezone and Boundary Adjustment will be in conformance with the current local, state and federal regulations governing geological and seismic safety.

Scenic Highways: There were no GP goals, objectives or policies directly related, or pertinent to this Project.

Public Safety: The GP encourages the reduction of risks related to fire and geologic hazards which will enhance public safety. Throughout this entire Project, the Fire District has been consulted so that all necessary precaution is taken once this Amendment, Rezone and Boundary Adjustment are completed and a building permit issued. Further, the design of the proposed single family residence will be in full conformance with all codes and specific requirements of the Fire District. As stipulated previously, the police and fire departments already exist in the general location of the Project.

Noise: The GP stipulates excessive ambient noise levels which can have an adverse effect on public health and welfare, and these noise levels are well above the ambient noise levels in the Project area. There are no “noise sensitive areas” within 20 miles of the Project.

Housing: This Amendment and Rezone conforms to the GP, since the new house to be created is in an area where adequate infrastructure and community services already exist.

Conservation: Water drainage and flood control in the Project area will be non-structural and utilize currently existing runoff areas for conservation of the natural terrain. Further, as mentioned previously, the size of the open space “Ewing Preserve” is increased by adding a non-disturbed area complete with natural habitat and vegetation.

Energy: The GP contemplates the use, where practical, of energy conserving systems in design and construction. The newly constructed house will include such energy conserving systems where they are practical and allowed by code or the Fire District.

Public Facilities: In the “Infrastructure” section of the GPAR (below) a detailed discussion of the available public utilities, and services is completed. All of the existing “facilities” which exist in the area of the Project conform to the goals, objectives and policies of the GP.

III. Infrastructure

A. Transportation

1. The existing road pattern in the general area of the Zagara property is winding, two lane roadways which are consistent with all of the roadways throughout Rancho Santa Fe. The property is accessed via a private driveway coming off of Linea Del Cielo, approximately ¼ of a mile to the west of the center of “downtown” Rancho Santa Fe. There are no congestion points or existing problems with this section of Linea Del Cielo.
2. There will be no impact associated with this Amendment related to traffic use. The Zagara property was previously developed with a single-family residence. It will again be a single family residence when this Amendment is approved.
3. Currently there are no findings, policies or recommendations on any of the circulation system identified in the Circulation Element which affect this area of Linea Del Cielo, or more particularly, the access driveway to the property.
4. There are no modifications to the existing road network and Circulation Element required because of this Amendment.
5. Since there is no impact to the existing road system, and therefore no modifications required of the circulation system a “turning-movement” analysis is not applicable.
6. The only public transportation available in the immediate area of the proposed development on the Zagara property is the bus system. There currently exists a bus stop in nearby downtown Rancho Santa Fe, but there will be no impact on this service because of this Amendment.
7. The proposed “on site” parking on the redeveloped Zagara property will accommodate normal Estate Residential requirements. In addition to a four-stall garage, the entry court will accommodate approximately 9 additional cars and will meet the stringent turning radius requirements of the Fire Department. “Off site” parking is available a number of places within 500 yards of the property since the property is close to the downtown portion of Rancho Santa Fe (i.e. parking lots located at Rancho Santa Fe School, San Dieguito Irrigation District offices, Rancho Santa Fe Inn, and Rancho Santa Fe Community Center, to name a few).

B. Public Facilities, Services, and Safety

All public facilities, namely electricity, sewer, water, fire protection, law enforcement and school are all in place and existing.

Electricity: Residential service to the site is currently provided by Sempra Energy. A transformer box is located adjacent to the driveway accessing the property approximately 100 feet from the property line. This service also supplies two other residences in the area.

Water: Residential service to the site is provided by Santa Fe Irrigation District. The current service connection comes from a 1" meter at the very eastern most property line. When the property is redeveloped, a new fire line will be constructed down the driveway in accordance with the requirements of the Rancho Santa Fe Fire District. At that time a new domestic service line will be brought in to the property and the existing line will be abandoned.

Sewer: The former house utilized a conventional septic system on the property. With the redevelopment of the parcel, a new sewer connection will be constructed to tie into the existing Rancho Santa Fe Community Sewer District (Dudek) main line at the eastern end of the property.

Fire: The Rancho Santa Fe Fire District currently monitors all of the fire issues in the immediate area of the parcel. The main fire station is located on El Fuego and Linea del Cielo, approximately ¼ of a mile from the parcel.

School: The Rancho Santa Fe School is located adjacent to the fire station approximately ¼ of a mile from the parcel. It accommodates all students from kindergarten through 8th grade who are located in the Covenant of Rancho Santa Fe.

Law Enforcement: The immediate area of the parcel is protected by the Rancho Santa Fe patrol. The Patrol central station office is located within the Fire Department offices on El Fuego. Oversight and additional service is provided by the San Diego County Law Enforcement Division and the California Highway Patrol.

Applicable availability letters are included within this report.

IV. Physical Development

The existing land use of the Zagara property is for a single-family residence, thus the current Land Use Classification of 17-Estate Residential and Zoning Classification of RR.5-Rural Residential. For the new residence to be developed on the Zagara property, a Boundary Adjustment will be necessary to comply with the various setback requirements of the County, Association and Fire Department. The Boundary Adjustment can be accomplished after the General Plan Amendment and concurrent Rezone is approved. The land use of the Foundation property (Ewing Preserve) is for open space, in perpetuity, thus the current Land Use Designation of 24-Impact Sensitive and a zoning classification of S-80-Open Space-Minimum 8 acres.

The small portions of each property which will be reclassified and rezoned, will make the Zagara property developable and make the Foundation property larger. The Rancho Santa Fe Association and the San Dieguito Planning Group have unanimously approved the Amendment. The resulting land uses of each of the properties are consistent with the present designated use and with the general area of Rancho Santa Fe.

V. Environmental Documentation

A complete copy of the Application for an Environmental Initial Study (AEIS) is attached to this document. After responding to all of the questions, we do not believe that there is any environmental sensitivity to this proposed Amendment, since the existing Ewing Preserve is becoming larger.

VI. Implementation

A. Concurrent Processing

As mentioned in the project description a Rezone (R06-006) will be processed concurrently with the General Plan Amendment (GPA 06-003) The General Plan Amendment will facilitate a change to the overlay map, modifying a small portion (31,000 sq. ft. approx.) of the Foundation (Ewing Preserve) property from its present designation in the Estate Development Area (EDA) of 24-Impact Sensitive to a new designation of 17-Estate Residential. In order to implement the General Plan Amendment, it will be necessary to rezone the portion of the Foundation property that will be added to the Romar property from S-80 (minimum 8 acres) to RR.5 (minimum 2 acres). Similarly, the small portion (approximately 32,000 square feet) of the Zagara parcel which will be added to the Foundation property will be rezoned to an S-80 designation and be given a General Plan designation of 24-Impact Sensitive, so as to be consistent with the remaining Foundation property. Upon completion of this re-designation, the Boundary Adjustment (B/C 05-01-04) can be finally completed so that the newly formed Zagara parcel can be developed.

B. Phasing

Upon approval of the General Plan Amendment and Rezone, concurrently a Boundary Adjustment application with a Certificate of Compliance will be approved by the DPLU. All of these applications (General Plan Amendment, Rezone and Boundary Adjustment) will be processed concurrently and will be analyzed under CEQA as a part of the total project. The Boundary Adjustment with a Certificate of Compliance application (# BC 05-0104) that was previously put in abeyance until issues surrounding a rezone (and in this case a General Plan Amendment) could be resolved, will now be a part of the total process. After the completion of the Boundary Adjustment and the filing of a new plat, documents will be submitted for a building permit to construct a new single family residence on the newly configured Zagara parcel

(APN # 268-130-43). There is no construction phasing necessary, or contemplated, on this project.

VII. Appendices

A. Graphics

1. The site plan documents, at 400 scale, are attached to this report. This plan clearly indicates the existing roadways, parcel line designations, and other land uses within at least ¼ of a mile.
2. A 200 scale site plan is attached which delineates the immediate surroundings of the area of proposed change, including land uses and parcel lines. There are a number of copies of the slope analysis attached to this submittal showing contour lines at 1 foot, 2 foot and 5 foot intervals.

B. Service District Letters

Attached are availability letters from the sewer and water districts. Additionally there is a letter from the Fire Department.

Sincerely,

Law Offices of Vatché Chorbajian

Vatché Chorbajian

VC/sd

Cc: Mr. John Zagara

Mr. Doug Gibson